

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MOLDEX-METRIC, INC.,

Plaintiff,

vs.

3M COMPANY and 3M INNOVATIVE
PROPERTIES COMPANY,

Defendants.

Civil No. 14-1821 (JNE/FLN)

**DECLARATION OF
MATTHEW HOSEN IN
SUPPORT OF MOLDEX'S
MOTION FOR SUMMARY
JUDGMENT ON 3M'S
"UNCLEAN HANDS"
AFFIRMATIVE DEFENSE**

I, MATTHEW HOSEN, hereby declare and state as follows:

1. I am an attorney with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, admitted *Pro Hac Vice*, representing Plaintiff Moldex-Metric, Inc. ("Moldex") in this action.

2. This Declaration is submitted, under penalty of perjury, in connection with Moldex's Motion for partial summary judgment on 3M's "unclean hands" affirmative defense. In accordance with 28 U.S.C. Sec. 1746, I intend this Declaration to have the same binding legal effect as an affidavit signed by me. The materials that are either referenced in or attached to this Declaration relate to Moldex's requests for summary judgment on the objective baselessness and probable cause elements of Moldex's sham litigation and malicious prosecution claims, respectively.

3. Attached as Exhibit 1 is a true and correct copy of a November 17, 2015 email produced by 3M in this action, and attachments to such email, bearing production control numbers 3M00169172 – 174. (FILED UNDER SEAL)

4. Attached hereto as Exhibit 2 is a true and correct copy of relevant pages from the transcript of Ronald Kieper's October 9, 2015 deposition testimony in this action. (FILED UNDER SEAL)

5. Attached hereto as Exhibit 3 is a true and correct copy of relevant pages from the transcript of Elliot Berger's October 8, 2015 deposition testimony in this action. (FILED UNDER SEAL)

6. Attached hereto as Exhibit 4 is a true and correct copy of relevant pages from the transcript of Jeffrey Hamer's October 7, 2015 deposition testimony in this action. (FILED UNDER SEAL)

7. Attached hereto as Exhibit 5 is a true and correct copy of relevant pages from the transcript of Daniel Dix's November 30, 2015 deposition testimony in this action. (FILED UNDER SEAL)

8. Attached hereto as Exhibit 6 is a true and correct copy of relevant pages from the transcript of Bernard Mishkin's October 5, 2015 deposition testimony in this action. (FILED UNDER SEAL)

9. Attached as Exhibit 5105 is a true and correct copy of what has been marked as Deposition Exhibit 5105, and is a promotional brochure from 3M's Combat Arms Earplugs.

10. Attached as Exhibit 5211 is a true and correct copy of what has been marked as Deposition Exhibit 5211, bearing production control numbers 3M00116386 – 391. (FILED UNDER SEAL)

11. Attached as Exhibit 5304 is a true and correct copy of what has been marked as Deposition Exhibit 5304, bearing production control numbers 3M00101316 – 317. (FILED UNDER SEAL)

12. Attached as Exhibit 5305 is a true and correct copy of what has been marked as Deposition Exhibit 5305.

13. Attached as Exhibit 5501 is a true and correct copy of what has been marked as Deposition Exhibit 5501, bearing production control numbers 3M00116929 - 930. (FILED UNDER SEAL)

14. Attached as Exhibit 5601 is a true and correct copy of what has been marked as Deposition Exhibit 5601, bearing production control numbers 3M00117420 – 421. (FILED UNDER SEAL)

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

Executed on: April 1, 2016

/s/ Matthew Hosen
Matthew Hosen